

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBYN ABRAHAM,

Plaintiff,

-v.-

ABBY LEIGH, *in her Individual Capacity*
and as Executrix of the Estate of Mitch
Leigh, the Viola fund, Abby Leigh Ltd,

Defendant.

17 Civ. 5429 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On June 1, 2022, the Court granted Ms. Abraham's motion to disqualify Defendant's substitute expert, without prejudice to a renewed opposition from Defendant. (Dkt. #705). Defendant renewed her opposition on June 2, 2022, and supplemented this filing on June 3, 2022. (Dkt. #707-711, 714). Finally, on June 5, 2022, Ms. Abraham submitted a responsive submission in further support of her motion to disqualify. (Dkt. #716).

As the Court communicated to the parties via email on June 3, 2022, it recognizes that these late-emerging conflict issues have resulted in the expenditure of valuable time in the leadup to trial. Through no fault of either side, time that the parties otherwise would have spent preparing for trial has necessarily been devoted to dealing with an ethics issue that is ancillary to the merits of the counterclaim that is set to go to trial. Irrespective of the Court's resolution of Ms. Abraham's motion to disqualify, the Court believes that the unique facts and circumstances of this case, as well as considerations of

fairness, demand a brief adjournment of the trial in this matter. Accordingly, the bench trial set to begin on June 7, 2022, is hereby ADJOURNED *sine die*.

The Court expects trial in this matter to go forward in the month of July. The parties are directed to communicate to the Court as soon as possible their availability to begin a bench trial on any of the following dates: July 13, 2022; July 14, 2022; July 15, 2022; July 18, 2022; or July 25, 2022.

SO ORDERED.

Dated: June 6, 2022
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge